



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/737,299

12/16/2003

Isaac D. White

BE1-0039US

7666

49584

7590

07/31/2006

LEE & HAYES, PLLC  
421 W. RIVERSIDE AVE.  
SUITE 500  
SPOKANE, WA 99201

EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/737,299

Applicant(s)

WHITE ET AL.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,17 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 10-16 and 18-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is the fourth office action for Application No. 10/737,299. This office action is responsive to Applicant's amendment filed on 6/12/06, which contains 23 claims numbered 1-8, 10-20 and 21-24. Claim 9 was previously canceled.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/06 has been entered.

3. Newly added claims 21-24 are not readable on the elected species (Figures 2-3) because the elected species of Figures 2-3 have only an intermediate portion of the cable whereas the method of claim requires providing a first end of a cable which is shown in the species of Figure 6 as admitted by Applicant.

Moreover, it is noted that newly submitted method claims 21-24 are directed to an invention, i.e., the method that is independent or distinct from the originally claimed invention. In particular, note that the originally claimed a cable drop support system is distinct from the newly claimed method because one can provide a cable drop support system having a control system operatively associated with the cable drop support system either one or no driver mechanism. Since applicant has already received an

action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, Claims 21-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species/invention.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 5-8, 10-16 and 18-19 are under 35 U.S.C. 103(a) as being unpatentable over Brown (US patent No. 6,709,172) in view of US Patent no. 6,158,555 to Brown, Jr.

Claims 1 and 18-19 read on Brown as follows: Brown teaches a surveillance system comprising a base (26, see Fig. 1 in view of Figure 15 for example) adapted for attachment to a surface; at least one segment (404A) connected to the base; at least second segment (408A) connected to the first section; a cable receptacle (14 generally) (note that element 14 is capable of supporting a cable as shown on Figure 1) attached to an end portion of one of the segment; a control system operative associated (34, 48, 33 etc.) with a cable drop system (48 for example); and at least one mechanical drive mechanism (446, 450, 448).

Brown teaches substantially as claimed except for a drive mechanism operatively coupled to respond to the control system. Brown teaches at least one

Art Unit: 3632

mechanical drive mechanism for lifting the mast and appears to operate manually and independently from the control system.

Brown, Jr. depicts generally in a control panel 16 is generally mounted to the exterior surface of the vehicle and control the extension and retraction of the mast 4 through drive mechanism (not shown).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mast or post of Brown to include a drive mechanism operatively coupled to the control panel associated with a control system/automatic means as in Brown, Jr. in order to raise or lower the post or mast automatically.

Nonetheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a mechanical drive mechanism to work in conjunction through manual or automated rotation/cranking (responding to the control system) to enable the telescoping function of the segment since it has been held that broadly providing a mechanical or automatic means to replace manual activity, which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192.

As to claims 3 and 5, Brown in view of Brown, Jr. also teaches the base (26) including at least one attachment device (416 in view of Figure 15, for example) (under 406A structured for attachment of the base to the attachment surface (the frame of the trailer); wherein the base can be removably attached to the attachment surface.

As to claims 6-8, Brown in view of Brown, Jr. also teaches at least a second segment (408A) attached to the at least one segment which includes a substantially stationary segment attached to the base, wherein the segments are structured in a telescoping configuration and wherein the receptacle includes a generally upwardly open U-shaped configuration (14, 22).

As to claims 10-13, the subject matter of claims 10-13 also shows on Brown in view of Brown, Jr. which includes at least one control system selected from the group of processor (34), a wire line medium (48, and digital recorder (33) etc, wherein the control system can be configured for receiving instructions communicated through at least one communication media from at least one communication device.

As to claims 14-16, the subject matter of claims 14-16, specially claim 14 also reads on Brown in view of Brown, Jr. (See description of Brown or Brown, Jr. either implicitly or explicitly)

### ***Response to Arguments***

5. Applicant's arguments filed 08/17/056/1/206 have been fully considered but they are not persuasive.

Applicant have further amended claims 1 and 18 by reciting the phrase "for receiving therein an intermediate portion of a cable and for supporting the intermediate portion of the cable as the cable is suspended between a first elevated structure and at least a second elevated structure that are external to the cable drop support system..." as shown in claims 1 and 18. However this phrase is basically a recitation of an

Art Unit: 3632

intended use or a functional language which only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. In the instant case, the cable receptacle of Brown clearly capable of supporting or receiving the intermediate portion of the cable. Contrary to Applicant's argument on pages 12-13 of the Remarks, Brown clearly teaches a cable receptacle which is element (14) which is capable of performing the function as discussed above.

Newly added claims 21-24 are withdrawn for the reasons set forth in the office action.

### ***Conclusion***

***This action is made Final.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le  
July 19, 2006